

Remarks

I. Status of the Application and Claims

At the time that the present Office Action was mailed, the claims pending in the application were claims 28-33 and 35-47. Claims 42-44 have been cancelled herein and new claims 48-51 have been added. Thus, upon entry of the present amendments, the claims pending will be claims 28-33, 35-41 and 45-51.

II. The Amendments

Claim 41 was rewritten to incorporate the elements of claims 42-44. New claim 48, is claim 49 rewritten with the elements of only claim 44 incorporated. Claims 49 and 50 are each separately dependent on claim 48 and recite the elements of claims 42 and 43 respectively. Claim 51 is also separately dependent on claim 48 and recites the elements of both claim 45 and claim 46. Entry of these amendments is respectfully requested.

III. Allowance of Claims

In the present Office Action, the Examiner indicates that claims 28-33 and 35-40 are allowed. Claims 44-47 are objected to as being dependent on a rejected base claim.

In order to overcome the rejection of claims 44-47, Applicants have rewritten claim 41 so that it includes the limitations of claims 42-44. Claim 45 was then amended to make it dependent on amended claim 41 rather than on cancelled claim 44. Applicants believe that this should be sufficient to make these claims patentable.

The Rejections

On pages 3-6 of the Office Action, the Examiner maintains a rejection of claims 41-43 under 35 USC § 103 as being unpatentable over Minnaard, *et al.* (*Synthetic Communications* 29:4327-4332 (1999)) in view of Schuda, *et al.* (*J. Org. Chem.* 53:873-875 (1988)).

The Examiner indicates that claim 41 would be patentable if the limitations of dependent claim 44 was read in along with the limitations of any intervening claims. As discussed above, this is what Applicants did with respect to amended claim 41.

New claim 48 is previous claim 41 with only the limitations of claim 44 read in, *i.e.*, the limitations of claims 42 and 43 were not included. Although not indicated in the Office Action, Applicants believe that the limitations of claim 44 may be sufficient in themselves to satisfy the Examiner with respect to patentability. Consideration of these claims is therefore respectfully requested.

Conclusion

Applicants respectfully request that the present rejection be withdrawn and that the claims now pending be allowed.

If, in the opinion of the Examiner, a phone call may help to expedite the prosecution of this application, the Examiner is invited to call Applicants' undersigned attorney at (240)683-6165.

Respectfully submitted,

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